(3)

CF 2001

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR, C.G.

W.P. NO. 1382 /2003 D.B.

(WRIT PETITION UNDER ARTICLE 14,21, 226/227 CONSTITUTION OF INDIA CHALLANGING VIRES OF CG PANCHAYAT RAJ ACT 93, AMND ACT 2000)

PETITIONERS :

1. Ghasiya Ram Yadav S/o Shri Jagdish Yadav, aged about 35 years, R/o Mandawa, District Janjgir-Champa, Up-Sarpanch & Panch of Gram Panchayat, Mandawa Distt. Janjgir-Champa (C.G.)
2. Smt. Ram Kunwar W/o Shri Ghasiya Ram Yadav, agedabout 25 years, Member, Janpad Panchayat, Dabhara, District Janjgir-Champa R/o, Village Mandawa Distt. Janjgir-CHAMPA (C.G.)

P.R. No. 1248/03
Presented by Shri S.P. Chaubey
dated 28.04.03

Vs.

RESPONDENTS :

1) State of Chhattisgarh Through Secretary of Panchayat and Social Welfare. Govt. of Chhattisgarh, Mantralaya, Raipur (C.G.)
2) Collector, Janjgir-Champa, C.G.

WRIT PETITION UNDER ARTICLE 14,21, 226/227 CONSTITUTION OF INDIA.

CERTIFIED COPY.
28/4
BILASPUR

The above named petitioners respectfully submit as under :-

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 1386/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB: Hon'ble Justice K. H. N. Kuranga, C.J.
& Hon'ble Justice L. C. Bhadoo, J.

15/10/2003

Petitioners by Shri Amiyakant Tiwari, Advocate.

Respondents by Shri Sunil Sinha, Additional Advocate General.

By this writ petition under Articles 226/227 of the Constitution of India the petitioners have challenged the constitutional validity and the vires of Section 36 (1)(m) of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (for short 'the Adhiniyam) which lays down that no person shall be eligible to be an office-bearer of the Panchayat who has more than two living children one of whom is born on or after 26th day of January, 2001. The challenge to the above clause does not survive in view of the law laid down by the Hon'ble Apex Court in the case of **Javed and others Vs. State of Haryana and others reported in 2003 AIR SCW 3892** and also in view of the order passed by this Court in the case of **Yashwant Kumar Sahu Vs. State of Chhattisgarh and another passed in Writ Petition No. 463 of 2002.** on 12.09.03

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(39)

आदेश पत्रक

wp Nec 1386/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In view of the above there is no force in the petition of the petitioners, the same is liable to be dismissed and it is dismissed. However, the petitioners shall be at liberty to file appeal before the Director of Panchayat against the order dated 1st April, 2003 by which they have been declared disqualified to continue as office bearer of the Village Panchayat Mandawa, District- Janjgir Champa. The petitioners will be entitled to the benefit of the limitation for the time spent by them in litigating before this Court in this writ proceeding. The parties are entitled for certified copy of this order. Sd/- Chief Justice	Sd/- L.C. Bhadoo Judge

[पीछे देखिये

25/11/16